

application. Clearly in view of the amendment, *Simone* does not anticipate any of the claims.

Claims 1 and 13 are independent claims. Each of these claims requires a dried pet food or dried cat food kibble. As amended, each claim is directed to a dried pet food which has a moisture content of less than 10% by weight. Each of the claims requires a matrix that is formed of a protein source, a gelatinized carbohydrate source, insoluble fiber, and humectant. The humectant is present in an amount sufficient to reduce the brittleness of the matrix. The reduced brittleness ensures that the dried pet food or cat kibble remains in one piece longer while being chewed and hence the food is able to mechanically clean the animal's teeth.

Simone does not anticipate, nor even arguably render obviousness, the claimed invention. *Simone* discloses a pet chew for removing plaque, tarter, and stain from the teeth of a pet. The pet chew comprises an edible, solid unbaked extrudate that has a chewable flexible cellular matrix. The matrix contains a cellulose fibrous material, water, and a humectant. In the matrix, water is present at a sufficient level so that the moisture concentration of the matrix is equal to or greater than 12% by weight. The moisture in *Simone* imparts flexibility to the pet chew. Further, in *Simone* the product retains moisture so as to maintain the texture when the pet chew is stored. It should also be noted that it is clear from the disclosure of *Simone* that the pet chew is designed for dogs, not cats. For example, the size of the chew is clearly unsuitable for cats (see column 8, lines 14-24).

Accordingly, in contrast to independent Claims 1 and 13, *Simone* describes a semi-moist product, not a dry product. Indeed, *Simone* teaches away from the claimed invention as a raised moisture level is critical in *Simone* in order to provide flexibility. As amended, each of independent Claims 1 and 13 require that the moisture content of the product is less than 10% by weight. This is clearly not disclosed by *Simone* and in fact is taught away from. Further, in

contrast to Claim 13, *Simone* does not describe a cat food kibble but instead a large dog chew. Accordingly, independent Claims 1 and 13, and Claims 2-3, 5-7, 14-15, and 17-20 that depend therefrom respectively, are not anticipated by *Simone*. Therefore, Applicants respectfully request that the rejection of Claims 1-3, 5-7, 13-15, and 17-20 under 35 U.S.C. § 102(b) be withdrawn.

Claims 4, 8-12, and 16 stand rejected under 35 U.S.C. § 103 as being obvious over *Simone* in view of U.S. Patent No. 5,773,070 (*Kazemzadeh*). Applicants respectfully submit that this rejection is not proper.

Claim 4 depends from independent Claim 1, Claim 16 from independent Claim 13, and Claims 9-12 from independent Claim 8. Independent Claim 8 includes substantially the same limitations, in part, as independent Claims 1 and 13. As noted above the moisture content of the product of Claim 8 and *Simone* are different. Clearly *Simone* teaches one skilled in the art to raise the moisture content to impart flexibility to the chew. Indeed, *Simone* even claims this in Claim 1 of the patent. Accordingly, in order to even pose the obviousness rejection, the Patent Office must ignore the disclosure of *Simone*.

Of course, it is axiomatic in determining obviousness one must look to the entire reference and consider those parts teaching away from the claimed invention. If anything, *Simone* teaches away from the claimed invention.

Moreover, *Simone* completely fails to even suggest the inclusion of humectant into a dried product in an amount sufficient to reduce brittleness so that the product is effective to clean teeth. This is a limitation of Claim 8.

Kazemzadeh does not remedy the deficiencies of *Simone* noted above. *Kazemzadeh*, similar to *Simone*, also discloses semi-moist chews. In fact, in *Kazemzadeh* the chews have a moisture content above 20% by weight. *Kazemzadeh* also discusses the necessity of including

moisture in the product in order to provide a flexible chewy product. Therefore, no combination of *Simone* and *Kazemzadeh* renders obvious the claimed invention. If anything, *Simone* and *Kazemzadeh* teach away from the claimed invention.


Still further, *Simone* and *Kazemzadeh* do not provide cat kibbles. The chews of *Simone* are far too large for cats. *Kazemzadeh* provides no teaching at all with respect to size other than to state that various sizes may be used. It must be appreciated that size is not a trivial feature of the claimed invention. The size set forth in Claim 8 for example, is such that the cat is required to chew the kibble. Further, as set forth in Claim 8 the kibble does not have portions of reduced thickness which may be broken by the cat without chewing. These features are neither disclosed nor suggested by *Simone* or *Kazemzadeh*.

Accordingly, Applicants respectfully request that the rejection of Claims 4, 8-12, and 16 as being obvious be withdrawn.

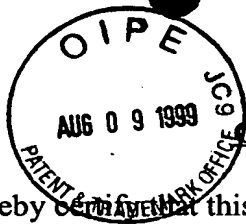
Applicant are submitting herewith newly submitted Claims 21-24. These claims do not add new matter. Applicants respectfully submit these claims are allowable for at least substantially the same reasons as set forth above.

For the foregoing reasons, Applicants respectfully request reconsideration of their patent application and earnestly solicit an early allowance of same.

Respectfully submitted,



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